The Honorable Board of Lyon County Commissioners met this day, Thursday, April 06, 2023 at 9:00 a.m. in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGTON, NV 89447.

1. Roll Call


Via Zoom: None

Absent: None

Staff Present: Comptroller Josh Foli, Emergency/Communications Manager Taylor Allison, and Assistant District Attorney Illyssa Fogel.

2. Invocation given by Thomas Walburn of Sweet Water Christian Fellowship

Thomas Walburn gave the invocation.

3. Pledge of Allegiance

4. Public Participation

Jeff LeGrand from Wellington, an applicant for the Planning Commission with over 40 years of experience working in the industry, introduced himself.

5. For Possible Action: Review and adoption of agenda

Comm. Henderson moved to adopt the agenda, moving item 24.a. after item 6.a.


Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0.

6. Time Certain

6.a. Time Certain at 9:30 AM: For Possible Action: Presentation and Proclamation declaring April 2023 as Child Abuse Prevention Month in Lyon County, Nevada.

Human Services Director Shayla Holmes presented the campaign for child abuse prevention. Nationally, April has been recognized as Child Abuse Prevention Month. During April, public and private agencies, community organizations, volunteers and concerned citizens unite to highlight the problem of child abuse and to educate the public in methods of prevention. No one profession or single agency alone can strengthen and support families and therefore protect children from harm. Prevention of child abuse requires a community effort – federal, state, and local
governments, as well as community service providers, teachers, businesses, health care professionals, clergy, families, friends, and neighbors – to work together to protect children and support the well-being of families.

They are also working on getting a Big Brothers and Big Sisters program started in Lyon County.

Children Services Division Manager Jenna Dykes gave a presentation on Children's Services which includes Differential Response, Family Support Program, Nevada Families First, Parent Project, System of Care, WIC, Parenting Classes, Cribs for Kids and Car Seats.

Social Worker Supervisor Kandee Mortensen gave an overview of Child Protection Services and foster care within Lyon County. Lyon County now has its own district and does not have to partner with other Counties. They have offices in Fernley and Yerington. They are in dire need of foster homes; there are only five homes currently in Lyon County. They currently have foster children living in hotels with staff. They are looking into opening up a cottage like home center where multiple youth can live together which would be less of a liability than having children living in hotels.

Carmela Reed Senior District Deputy Attorney presented the responsibilities of the District Attorney’s office.

Mary Smith with CASA gave an overview of the services they provide and how they collaborate with other entities. You can be a CASA volunteer with giving just two hours of your time a month.

Comm. Hockaday read the proclamation into the record.

Comm. Keller moved to accept the proclamation declaring April 2023 as Child Abuse Prevention Month in Lyon County, Nevada.

Comm. Henderson seconded, and the motion passed 5-0 after public comment.

Public Comments:

Mark Jones from Wellington, a former foster parent and CASA volunteer stated Austin’s House, a foster home, should be a model for childcare.

The Commissioners thanked Human Services staff for all they do for the kids and families of Lyon County.

7. Presentation of awards and/or recognition of accomplishments
   7.a. For Presentation Only: Present Deputy Derek Daniel with lifesaving award.

Sergeant Shaun Lee and Sheriff Brad Pope presented Deputy Derek Daniel with a lifesaving award. Deputy Daniel’s actions saved the life of a suicidal drug overdose subject on March 8, 2023.
7.b. For Presentation Only: Express sincerest appreciation to volunteer organizations for their efforts associated with atmospheric river floods and winter weather events.

Emergency/Communications Manager Taylor Allison recognized all the volunteer organizations for the hard work and long hours they put in during the atmospheric river flooding. Recognized were the Lyon County Sheriff’s Office VIPs, Search and Rescue, Team Rubicon and the 775 Off Road and Recovery Group.

8. Commissioners/County Manager reports

Comm. Hendrix attended the NACo public lands meeting, the Silver Springs Advisory Board and met with the utilities director and got a tour of Rolling A.

Comm. Keller attended the NACo meeting and toured the utilities water treatment plant.

Comm. Henderson attended the NACo Legislative meeting, the Western Nevada Legislative Coalition, and the NACo Board of Directors meeting. NACo adopted a resolution declaring April as National County Government Month and their annual conference is September 26-28, 2023 in Elko. He also attended the NACo public lands committee meeting. He noted that the BLM published a notice that they want to add the term “conservation” to what is considered use on public lands and this could have serious consequences. He also attended the Dayton Valley Conservation District meeting.

Comm. Hockaday appreciated all the volunteers in Lyon County that help in emergencies.

County Manager Andrew Haskin extended his gratitude to all the volunteers also. In preparation for spring thaw, he will meet with the Walker River Irrigation District next week to discuss planning. There will be a town hall meeting sometime next month to discuss potential flooding risks. There is one site with 1200% of normal a few days ago, which is 40 inches of water. Range is between 300-1200% and they are monitoring it closely. He has been working with Comptroller Josh Foli on finalizing budget items and following the Legislature.

9. Elected Official’s reports

9.a. For Report Only: Canal Township Justice Court
- FEBRUARY 2032 FJC STATISTICS REPORT

9.b. For Report Only: Dayton Justice Court
- CRIMINAL AND CIVIL STATISTICS

Sheriff Brad Pope reported that they conducted their second saturated patrol in the Dayton and Mound House area on March 31. They had 153 calls for service and arrested 11 people. This was a successful event and they have had positive feedback and will continue with unannounced saturated patrols. The Sheriff’s Department has also evaluated the School Resource Officer.
program. The department now has a zero tolerance policy with school districts and will start enforcing criminal laws in schools. There have already been two arrests.

The Commissioners thanked Sheriff Pope for his regular updates and they support the school program 100%.

Clerk Treasurer Staci Lindberg gave a quarterly report on Treasurer’s duties to include helping the County make money by moving funds to the LGIP account and opening a sweep account, which made $80,000 in February. An investment account was opened in March. Income has been upped approximately $150,000.00 already. As for the Clerk duties, she has had much help and support from Erin Lopez. The office is re-organizing and cleaning up records and storage units. Mrs. Lindberg is looking into electronic storage vs. paper storage. As the Registrar of Voters, she will be getting new required equipment from state. There have been clerk meetings and meetings with the State on the mandatory registration methods. One of the biggest issues in trying to keep the voter rolls clean is the automatic registration with places like the DMV, social services or welfare.

17,405 voters have not voted in the last two elections. These voters are sent letters to update or cancel their registration and as soon as they are cancelled, they end up getting automatically reactivated and put right back on the rolls. She requested that if possible this could be addressed at the legislative level.

Mrs. Lindberg thanked all the staff that have taken time, supported her, and helped her learn since her election.

Comm. Henderson thanked Clerk Treasurer Lindberg for her work and updates.

**10. Appointed Official’s reports**

Comptroller Josh Foli updated on the District Court remodel bid, it came in under the architect’s estimate, approximately $9.2 million.

A new Human Resources Director was hired and will start on April 8.

There is another critical labor shortage item to bring to the Board for Juvenile Probation.

Emergency/Communications Manager Taylor Allison confirmed that following recent flood events, we did meet our damage threshold so the State will request a Presidential Declaration, which will open up assistance programs.

Facility Director Doug Homestead reported the bids for the Fairgrounds drainage pavement program were over the amount expected and he will come before the Board at their next meeting to request the use of ARPA funds for the project. There was flooding at Smith Valley Cemetery and they will need to work on getting that straightened out.

Comm. Henderson asked if we now have possession of the Community Center in Stagecoach. Mr. Homestead stated they do have control of it and are cleaning it up.
Comm. Hockaday asked about the runaway ATV damage at the cemetery. Mr. Homestead stated the Fulstones fixed the fence for them and there were some headstones removed for repair or replacement.

Community Development Director Louis Cariola gave a report on new employee Gene Stewart as the Lyon County Building Inspector. They have met with Comm. Keller, among others, on a project near USA Pkwy; they are organizing a public meeting in Silver Springs at the Community Center approximately the first week of May to discuss the Silver Springs area drainage master plan.

11. Advisory Board reports

Erin Lopez reported that the Open Meeting Law training is finished and they shared the training video online. Mark Jones, Vice Chair of the Smith Valley Advisory Board thanked Doug Homestead for his help on the issues at the cemetery. They have worked with NDOT to get some turn lanes on HWY 208 in TRE and at Lower and Upper Colony. They are making an agenda request item for consideration before the Board that in the future their meetings be moved to the First Wednesday of every month at 6pm.

CONSENT AGENDA

Comm. Jacobson moved to approve the consent agenda items #12.a. – 16.d.

Comm. Henderson seconded.

Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0.

Comm. Hockaday stated that in the future he would like to have the Planning Commission Consent Items included in the Consent Agenda.

12. Assessor's Corrections
12.a. For Possible Action: Approval of changes on Assessor's tax roll due to correction in assessments and review of tax roll changes.
- Unsecured Factual

Unsecured Factual Corrections totaled $29.07.

13. For Possible Action: Approve County Commission Minutes
13.a. For Possible Action: Approve the March 10, 2023 Emergency Meeting minutes.
- March 10, 2023 Emergency Meeting Minutes

The minutes were approved.
13.b. For Possible Action: Approve the March 16, 2023 Minutes. - March 16, 2023 Minutes

The minutes were approved.

14. Contracts

14.a. For Possible Action: Approve Contract for Ledezma-Aguilar Garden Services for the amount of $800.00 per month. This is for the maintenance of the medians on Dayton Valley Rd. Authorize the County Manager to sign Documents. - Dayton Valley Rd Median Proposal 2023

14.b. For possible Action: Approve to go out to bid for the 2023 RTC Project in the Stagecoach and Silver Springs area for chip sealing, fog sealing, crack sealing and approve the proposals from DOWL for bid preparations, bidding and construction management. - DOWL Task Order - 2023 CHIPSEAL-SLURRY PROJECT STG-SS

15. Grants

15.a. For Possible Action: Accept grant award amendment from State of Nevada Department of Health and Human Services, Account for Family Planning Grants Management Unit, redirecting $6,204.00 from “Other” to “Training” to provide Family Planning Health Worker training and certification -FY22 Family Planning Services Grant Amendment 2

15.b. For Possible Action: Accept grant award from Aging and Disability Services Division (ADSD), State of Nevada, for FY2023 Nutrition Services Incentive Program (NSIP) in the amount of $57,788.00. -FY23 Nutrition Services Incentive Program Grant Award 3

15.c. For Possible Action: Accept the Notice of Sub-grant Award Amendment from the State of Nevada, Department of Health and Human Services, Division of Public and Behavioral Health, for SFY2023, to increase funding in the amount of $43,926.13 for a total of $152,224.13 and extend the grant period to an ending date of December 31, 2023. -FY23 American Rescue Plan Act Grant Amendment 3

15.d. For Possible Action: Approve the Authorizing Resolution allowing the Director of Lyon County Human Services to apply for Nevada Department of Transportation grant funding to aid in the financing of capital and operating assistance projects. - Nevada Department of Transportation Authorizing Resolution

16. Other Consent Items

16.a. For Possible Action: Approve the annual Virginia City Hill-climb event for September 16-17th, 2023 (requested by Ferrari Club of America-Pacific Region). - Letter of Request

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16.b. For Possible Action: Approve a resolution renaming the Silver and Gold Fund to become the Senior Services Fund. - Resolution Renaming the Silver and Gold Fund to the Senior Services Fund

16.c. For Possible Action: Review and accept claims and financial reports.  
- Cash Report 3-15-23  
- Claims Report 3-1-23 to 3-15-23

The cash balance as of March 15, 2023, was $112,323,969.81. County claims totaled $1,248,182.91 and payroll totaled $1,449,360.28.

16.d. For Possible Action: Review and accept travel claims.  
- Travel Report 3-1-23 to 3-15-23

Travel Claims for March 15 totaled $16,511.64

**END OF CONSENT AGENDA**.

PLANNING CONSENT ITEMS- (Action will be taken on all items)

17. Planning Consent Items
   17.a. For Possible Action: Approval to release the Improvement Bond, accept the Maintenance Bond and accept the Certificates of Completion, for the HERITAGE RANCH ESTATES SUBDIVISION, PHASES 1 & 2, located in Dayton, NV.

Comm. Henderson moved to approve Planning consent agenda item #17.a. as written.


Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0.

**END OF PLANNING CONSENT ITEMS APPLICATIONS**

PUBLIC HEARING ON PLANNING ITEMS - (Action will be taken on all items)

18. Planning
   18.a For Possible Action: To approve the request for a Zoning Map Amendment from Microsoft Corporation to change the zoning on five (5) parcels comprising approximately 30.88 acres in Silver Springs from RVP (Recreational Vehicle Park District), MHP (Mobile Home Park District) and C-1 (Limited Commercial District) to NC (Neighborhood Commercial) in accordance with the existing Master Plan designation of Commercial (APNs: 018-551-03, 081-551-04, 018-552-01, 018-552-02, & 015-141-04) PLZ-2023-002.
Community Development Director Louis Cariola stated the second APN is supposed to be 018-551-04.

Applicant’s representative Stacy Huggins gave a presentation on the requested zone changes. The current zoning is not compatible with the current neighborhood planning and they are requesting zone changes on five parcels.

Comm. Keller clarified there is no concern with Highway 50 access on these parcels.

Comm. Jacobson made a motion to approve the request for a Zoning Map Amendment from Microsoft Corporation to change the zoning on five (5) parcels comprising approximately 30.88 acres in Silver Springs from RVP (Recreational Vehicle Park District), MHP (Mobile Home Park District) and C-1 (Limited Commercial District) to NC (Neighborhood Commercial) in accordance with the existing Master Plan designation of Commercial (APNs: 018-551-03, 018-551-04, 018-552-01, 018-552-02, & 015-141-04) PLZ-2023-002.


Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0.

18.b. For Possible Action: To approve a Conditional Use Permit request from Blackcomb Property Group, LLC to allow a Self-storage/RV Storage facility in the CC (Community Commercial) zoning district on one three-acre parcel generally located to the southwest of the intersection of Dayton Valley Road and Como Road, west of the Carson River and U.S. Highway 50, at 222 Dayton Valley Road in Dayton (APN 006-091-10) PLZ-2022-213.

Comm. Hockaday read the original item and then re-read the item to read: to approve a continuance to May 4, 2023 for a Conditional Use Permit request from Blackcomb Property Group, LLC to allow a Self-storage/RV Storage facility in the CC (Community Commercial) zoning district on one three-acre parcel generally located to the southwest of the intersection of Dayton Valley Road and Como Road, west of the Carson River and U.S. Highway 50, at 222 Dayton Valley Road in Dayton (APN 006-091-10) PLZ-2022-213.

Comm. Henderson made a motion to approve a continuance to May 4, 2023 for a Conditional Use Permit request from Blackcomb Property Group, LLC to allow a Self-storage/RV Storage facility in the CC (Community Commercial) zoning district on one three-acre parcel generally located to the southwest of the intersection of Dayton Valley Road and Como Road, west of the Carson River and U.S. Highway 50, at 222 Dayton Valley Road in Dayton (APN 006-091-10) PLZ-2022-213.


Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0.
18.c. For Possible Action: To approve a request to extend the time period in which to record a final subdivision map, or the first in a series of final subdivision maps, by Stan Lucas for the Traditions Village 2 tentative subdivision map, approved on May 2, 2019 for a total area of approximately 101.12 acres, including a maximum of 195 single family residential lots on approximately 75.86 acres plus four (4) Remainder Parcels. The residential lots range in size from 9,000 square feet to over 22,000 square feet. The site is generally located north east of Nevada Station Parkway and north of the US 50/Traditions Parkway intersection in Dayton (APN: 016-406-13) PLZ-18-0013.

Community Development Director Louis Cariola reported that the extension would last until May 5, 2025. The initial subdivision map was approved by the Board on May 2, 2019.

Comm. Keller made a motion to approve the request by Project One for a two (2) year extension of time (May 2, 2025) to record the final subdivision map or first in a series of final subdivision maps for the Traditions Village 2 Subdivision (APN 016-406-13) (PLZ-2023-011).


Comm. Henderson commented that it is ironic they are being asked to grant an extension to a developer who has sued the County in the past for supposedly delaying their projects.

Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0.

**END OF PLANNING APPLICATIONS**

REGULAR AGENDA - (Action will be taken on all items unless otherwise noted)

19. Advisory Board
  19.a. For Possible Action: Acknowledge resignation from Greg Clausen from the Lyon County Planning Commission.

Comm. Jacobson made a motion to accept the resignation from Greg Clausen from the Lyon County Planning Commission.

Comm. Henderson seconded.

Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0.

  19.b. For Possible Action: Appoint a member to the Planning Commission, with a term expiring December 31, 2026.
    - Report of Planning Items and Current Commissioners
    - Clerk Affidavit
    - Jeff Le Grand, Application
    - Jimmie A. Richards, Application
- Mark Hamilton Jones, Application
- Michael Weiss, Application
- Shannon Ceresola, Application
- Suzanne Armstrong, Application

The Commissioners were thankful for the information showing what neighborhoods planning projects were from the current makeup of the Planning Commission. Comm. Henderson requested that maybe something like this to be done on a quarterly basis.

Comm. Hockaday made a motion to appoint Mark Hamilton Jones to the Planning Commission with a term expiring December 31, 2026.

Comm. Henderson seconded.

Comm. Hockaday asked for public participation, there was none, and the motion passed 4-1 with Comm. Jacobson opposed.

19.c. For Possible Action: Acknowledge resignation from Darylyn Sinnette-Diffenbaugh from the Animal Control Advisory Board.

Comm. Henderson made a motion to accept the resignation from Darylyn Sinnette-Diffenbaugh from the Animal Control Advisory Board.

Comm. Hendrix seconded.

Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0.

19.d. For Possible Action: Appoint a member to the Animal Control Advisory Board, with a term expiring December 31, 2024.
- Amber Nelson, Application

Comm. Keller made a motion to appoint Amber Nelson to the Animal Control Advisory Board with a term expiring December 31, 2024.

Comm. Henderson seconded.

Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0.

19.e. For Possible Action: Appoint up to two (2) members to the Fair Board, with terms expiring December 31, 2026.
- Paul Silva, Application

Comm. Henderson made a motion to appoint Paul Silva to the Fair Board with term expiring December 31, 2026.

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Comm. Hendrix seconded.

Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0.

19.f. For Possible Action: Acknowledge resignation from Margaret "Peggy" Quigg from the Lyon County Library Board of Trustees.
- Resignation Letter

Comm. Henderson made a motion to acknowledge the resignation from Margaret “Peggy” Quigg from the Lyon County Library Board of Trustees.

Comm. Hendrix seconded.

Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0.

20. County Manager

20.a. For Possible Action: Authorize and select County Commissioners and/or County Manager to attend the 2023 NACo (National Association of Counties) Annual Conference and Exposition in Travis County, Austin Texas July 21-24, 2023, for an approximate cost of $3,500/person. (Requested by Commissioner Hockaday)

County Manager Andrew Haskin is unable to attend. Commissioners Henderson, Hendrix, and Keller volunteered to attend.

Comm. Hockaday made a motion to authorize Commissioners Keller, Hendrix, and Henderson to attend the 2023 NACo (National Association of Counties) Annual Conference and Exposition in Travis County, Austin Texas July 21-24, 2023, for an approximate cost of $3,500/person.

Comm. Henderson seconded.

Comm. Hockaday asked for public participation, there was none, and the motion passed 3-2 with Commissioners Jacobson and Hockaday opposed.

Commissioners agreed that attendances at these conferences are vital. Comm. Hockaday suggested that in the future I.T. might attend to see if any computer programs could be useful to help the County save money.

20.b. For Possible Action: To discuss and provide direction to the County Manager regarding legislation for the 82nd session of the Nevada Legislature, Legislation includes Senate Bill 421, Senate Bill 432, Senate Bill 338, and Senate Bill 233.

Lyon County Manager Andrew Haskin stated that he tries to bring bills before the Board that involve the Board and the County.
Comm. Hockaday stated that all of these Bills reduce County income or authority in one way or another.

Assessor Troy Villines reported on SB233. The Nevada Assessor’s Association and NACo are against this Bill. This is an act relating to taxation; providing for the imposition, administration, collection, and enforcement of a tax on the rental of certain heavy equipment; excluding certain heavy equipment from the tax on personal property; providing penalties; and providing other matters properly relating thereto. Mr. Villines does not believe this tax is fair or equitable. The Nevada Constitution Article 10 Section 1 establishes that the Legislature shall provide by law for a uniform and equal rate of assessment taxation, and shall prescribe such regulations as shall secure a just valuation for all taxes. This would change for heavy equipment leasing companies; they would be charged 2% of leasing fees. This violates the uniform and equal rate of assessment described in Nevada’s Constitution and NRS 361 in Mr. Villines’ opinion. The BDR indicates that this is revenue neutral but proponents of this Bill provided no proof of this.

Problems associated with this bill are that we have no large equipment rentals in our County and it is estimated that the County would lose a large amount of revenue, approximately $37,500.00 - $270,000.00 annually in the future. This Bill could also cause a reduction in 911 services as well.

Comm. Keller stated that this would affect the County negatively.

Comm. Henderson agreed that this is a violation of the State Constitution.

County Manager Andrew Haskin will forward the position to the lobbyists at the legislature or he will testify himself.

Comm. Hockaday questioned if they could vote on all Bills at the end of the presentations or do they have to do it separately. County Manager Andrew Haskin stated they could vote for all of them at the end of the presentations.

All Commissioners are opposed to this bill.

County Manager Andrew Haskin presented SB338 relating to off-highway vehicles: revising provisions relating to the operation of certain off-highway vehicles on certain streets and highways, authorizing the Commission on Off-Highway Vehicles to designate a portion of certain highways for use by off-highway vehicles, revising certain duties of an operator of an off highway vehicle being driven on a highway, and providing other matters properly relating thereto.

Comm. Henderson clarified that this will take power away from the local elected governing body and gives it to an appointed State agency.

Comm. Keller clarified they also change the terminology from all-terrain vehicle to utility vehicle, which is the equivalent to a golf cart. He totally disagrees with this bill.

Comm. Hockaday stated this bill is a disaster.
All Commissioners are opposed to this bill.

County Manager Andrew Haskin presented SB 421, an act relating to energy: revising provisions governing partial tax abatements for certain renewable energy facilities, reimbursing provisions governing the integrated resource plan of an electric utility, revising provisions governing permits for the construction of utility facilities, establishing certain requirements for the boards of county commissioners of certain counties relating to commercial solar energy facilities, requiring the Joint Interim Standing Committee on Growth and Infrastructure to conduct a study concerning a statewide renewable energy plan, and providing other matters properly relating thereto. Mr. Haskin stated that SB 421 states requirements set by the Board may not be more stringent than the requirements set forth in sections 7-14 for SB 421. This would mean they would have to make many new ordinances. Many things in the Bill are contradictory and would take power away from the Board.

Comm. Keller stated that at NACo they discussed that as a Board they should revisit how they bond these properties.

Comm. Henderson stated that these kind of Bills need to be opposed.

All Commissioners are opposed to this bill.

County Manager Andrew Haskin presented SB432, an act relating to economic development: revising provisions governing the disposition of certain taxes, requiring the establishment of a regional powers authority following the expiration of certain partial tax abatements approved in relation to a qualified project, establishing the powers and duties of a regional powers authority, creating the Account to Mitigate the Regional Impacts of Economic Development, imposing reporting requirements related to the use of certain money, creating the Account to Promote Statewide Economic Development, and providing other matters properly relating thereto.

Andrew Haskin reported that this Bill is aimed at the Tesla abatements in Storey County. This bill applies to all Counties in which a business has invested a billion dollars and received tax payments. This would apply to all future projects as well. This takes sales tax, use tax, property tax and modified business tax that are created after the tax abatements expire and redistributes those payments. Sixty percent goes to the account to mitigate the regional impacts of economic development, 20% goes to the State Treasurer to promote statewide economic development, and 20% goes to the County in which the project is located. If the project crosses a county line, the tax revenue would be distributed equally. There are many challenges on this bill. It is bad for Lyon County if we want to try to attract large enterprises and takes power away from the Board. In the long term, this will be detrimental to the County.

Comm. Henderson stated this is one of the worst Bills he has ever seen. To come back after taxes are abated and take that money from the County and give it to other entities is terrible.
Comm. Keller stated this would change our whole economic pattern of how we do business; we won’t have money to fix roads etc.

All Commissioners are opposed to this bill.

Comm. Hockaday asked for public comment, there was none.

Comm. Keller made a motion to direct the County Manager on behalf of the Lyon County Board of Commissioners to oppose Senate Bills 233, 338, 421 and 432, submitted during the 82nd session of the Nevada legislature.

Comm. Henderson seconded.

Motion passed 5-0.

21. Comptroller

21.a. For Possible Action: Approve critical labor shortage designations for the Building Inspector and Plans Examiner positions.

Comptroller Josh Foli stated they are having challenges filling positions. The State will allow the board to declare a critical labor shortage, which expands the pool of people applying.

Comm. Jacobson wanted to confirm this is not at an additional cost to the County. Comptroller Foli stated that it is not.

Comm. Jacobson made a motion to approve critical labor shortage designations for the Building Inspector and Plans Examiner positions.


Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0.

22. District Attorney

22.a. For Possible Action: Approve Settlement Agreement to resolve lawsuit filed by Stanley H. Lucas against Lyon County et al related to the Traditions Villages Subdivision, wherein Lyon County waives depreciation payment from Stanley H. Lucas of $200,801.44, and agrees to pay $25,000 to Stanley H. Lucas to resolve all claims with no parties admitting liability, and the county will receive $75,000 to offset the depreciation waiver. The funding for the settlement is paid by the Nevada Public Agency Insurance Pool.

Attorney Charlie Burcham reported that Stanley H. Lucas filed an application for a zoning amendment and tentative subdivision map for 43 single-family lots in the Dayton area. The Board of County Commissioners approved the zoning amendment and denied the Tentative Subdivision Map in 2021. On April 23, 2021, Lucas filed a Petition for Judicial Review in the Third Judicial
District Court of the State of Nevada, In and For the County of Lyon, Case No. 21-CV-00455, seeking judicial review of the Lyon County BOCC denial of the Cottages at Traditions Tentative Map. On the same day, April 23, 2021, Lucas filed a Civil Complaint in the Third Judicial District Court of the State of Nevada, In and For the County of Lyon, Case No. 21-CV-00454, seeking damages against the named Defendants Lyon County, the Lyon County BOCC, Commissioners Wes Henderson, Vida Keller, Ken Gray, Robert Jacobsen, and Dave Hockaday based upon the denial of the Cottages at Traditions Tentative Map. On October 1, 2021, the Honorable District Judge Leon Aberasturi entered his Order in the Petition for Judicial Review case vacating the Lyon County BOCC’s decision denying the Cottages at Traditions Tentative Map and mandating approval of that Tentative Map. Subsequently, the Lyon County BOCC approved the Cottages at Traditions Tentative Map, effectively terminating the Petition for Judicial Review case. The Civil Complaint between the Parties remained pending. After settlement discussions and mediation, the Parties have agreed to resolve all of their legal disputes concerning the Civil Complaint and the Cottages at Traditions upon terms set forth in the agreement which includes a $25,000 payment to Stanley H. Lucas. Neither party admits any liability as part of the settlement. The county will receive $75,000 to offset the depreciation waiver. The funding for the settlement comes from the Insurance POOL.

Commissioners and staff discussed.

Public Comment:

Don Smith, representing Stanley H. Lucas, stated they are glad this is behind them and they can move forward.

Comm. Henderson made a motion to approve the Settlement Agreement to resolve lawsuit filed by Stanley H. Lucas against Lyon County et al related to the Traditions Villages Subdivision, wherein Lyon County waives depreciation payment from Stanley H. Lucas of $200,801.44, and agrees to pay $25,000 to Stanley H. Lucas to resolve all claims with no parties admitting liability.


The motion passed 5-0.

Comm. Henderson stated Lucas has some awesome plans for the Dayton Area and hopes they can work collaboratively going forward.

Comm. Keller stated he would have voted nay but voted yes because his nay would not have made any difference.

23. Clerk/Treasurer
   23.a. For Possible Action: Approve Resolution for County Investment Policy

Clerk Treasurer Staci Lindberg noted there were some spelling errors in the resolution and noted which ones those were.

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Comm. Hockaday read the Resolution into the record.

Comm. Keller clarified this is to replace a previous Resolution. Staci Lindberg confirmed this. Josh Foli stated they are adopting a policy by resolution and this process automatically replaces the previous policy.

Comm. Jacobson questioned if the public could see where this money is invested. Staci Lindberg reported that it can.

Comm. Henderson made a motion to approve the Resolution for County Investment Policy. Comm. Hendrix seconded.

Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0

24. Other

24.a. For Presentation and Discussion: Presentation and update from the Lyon County Public Administrator Bob Getto.

Lyon County Public Administrator Bob Getto gave a presentation on the office of the Public Administrator. The Public Administrator is an appointed official who manages the estates of persons who die without a will or without family. They assume the role of the deceased person to close out the estate. The office is a very busy office with a staff of one who receives no income, no time off, and no benefits, but does receive approximately 3% of the estates they close. Churchill and Lyon County also gives a stipend. Lyon County gives a stipend of $7500 per quarter for items like office equipment and expenses to help the Administrator do their job.

Comm. Keller questioned the stipends they receive per quarter. Mr. Getto explained that they receive $7500 per quarter and the County does not pay anything additional. Mr. Getto also explained that they take assets minus liabilities and they receive 4% of the first $15,000.00, 3% of the next $85,000.00, and 2% of every $100,000.00 thereafter. Churchill and Lyon County law also says that if someone had real estate or a business the estate pays $70/hr. to manage that. The County only pays the stipend and the estate pays the rest. They usually are unable to close down social media accounts.

Comm. Henderson questioned if the position is open-ended. Mr. Getto stated that as far as he knows it is.

Comm. Hockaday asked when they find a relative is there a percent out of the estate that goes to the Public Administrator. Mr. Getto stated that the District Attorney would look at the case and decide if there are any fees to collect from the estate.
24.b. For Possible Action: Approve an Agreement with the Walker River Irrigation District to lease 29.9459-6 acre feet of Lyon County Fairgrounds, Inc. Stored Water Rights, until October 31, 2023, for $147 per each acre-foot.

Comptroller Josh Foli reported that if water rights are not used in a certain number of years they go away. We can use them by basically selling water that would otherwise be going downstream.

Comm. Keller questioned if we could beneficially use this water in any way. Comptroller Josh Foli stated that there is not, especially this year.

Comm. Jacobson questioned where this money would go. Comptroller Foli stated it would go to the fairgrounds.

Comm. Jacobson made a motion to approve an Agreement with the Walker River Irrigation District to lease 29.9459-6 acre feet of Lyon County Fairgrounds, Inc. Stored Water Rights, until October 31, 2023, for $147 per each acre-foot.

Comm. Henderson seconded.

Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0.

RECESS TO RECONVENE AS WILLOWCREEK GENERAL IMPROVEMENT DISTRICT BOARD

25. Public Participation

There was none.

26. Contracts

26.a. For Possible Action: Approve an Agreement with the Walker River Irrigation District to lease 30.89- acre feet of Penrose General Improvement District Stored Water Rights, until October 31, 2023, for $147 per each acre-foot.

The Commissioners discussed various ways the water rights could be used.

Comm. Henderson questioned where these funds go. Comptroller Josh Foli stated they would remain in the Willowcreek fund.

Comm. Henderson questioned why the Board is the Willowcreek GID but the Item is for the Penrose GID. Comptroller Foli explained that many years ago, Mr. William Penrose developed the Penrose subdivision and the water rights were in the Penrose General Improvement District, but the actual legal name is the Willow Creek General Improvement District.
Comm. Keller made a motion to approve an Agreement with the Walker River Irrigation District to lease 30.89-acre-feet of Penrose General Improvement District. Stored Water Rights, until October 31, 2023, for $147 per each acre-foot.

Comm. Hockaday seconded.

Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0.

27. Reports
27.a. For Possible Action: Review and accept claims and financial reports.
- Cash Report 3-15-23

The cash balance as of March 15, 2023, was $112,323,969.81. County claims totaled $1,248,182.91 and payroll totaled $1,449,360.28.

Comm. Henderson made a motion to approve accept claims and financial reports.


Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0

28. Public Participation.

There was none.

ADJOURN TO RECONVENE AS THE LYON COUNTY BOARD OF COMMISSIONERS

29. Agenda Requests

There was none.

30. Commissioner Comments

Comm. Hendrix requested to look at Code Enforcement and try to put some teeth in our code enforcement.

Comm. Keller acknowledged Shayla Holmes for being appointed by NACo to be the representative for the NACo fund for the Excellent Care and Indigent Person Board.

Comm. Henderson wished everyone a safe and happy Easter.

Comm. Hockaday requested they look at current ordinances and come up with some ideas for some of the blighted areas in our County.
31. Closed Session

There was a closed session.

32. Public Participation

Comm. Hockaday called for public participation, and there was none.

33. Adjourn

Comm. Hockaday adjourned the meeting at 1:35 p.m.

LYON COUNTY BOARD OF COMMISSIONERS

DAVE HOCKADAY, Chairman

ATTEST

STACI LINDBERG, Lyon County Clerk/Treasurer